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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: June 18, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2284262
Incident:	Hit Shooting
Incident Date:	March 12, 2011
Unit:	Century Station/FOR II
Suspect:	Justin C. Ford, M/24
Involved Employee:	Deputy Richard J. Rubalcaba
EFRC Date:	June 13, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Anthony La Berge, and Commander Stephen Johnson met and reviewed the above case.

FINDINGS:

The Committee determined the force used by Deputy Rubalcaba was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used were within the Department's training standards.

RECOMMENDATIONS:

The Committee recommended a unit wide tactical debriefing on the unique circumstances of this incident. Additionally, the Committee requested the unit commander, Captain Joseph M. Gooden, provide the performance log entry previously issued to Deputy Rubalcaba regarding the initial vehicle pursuit, to the Committee for review.

MJR:JER:jer

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IAB CASE NO. SH2284262



LOS ANGEL 3 COUNTY DISTRICT AT ORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

October 4, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #: 11-0185
L.A.S.D. URN #: 011-03897-2142-013

Dear Captain Smith:

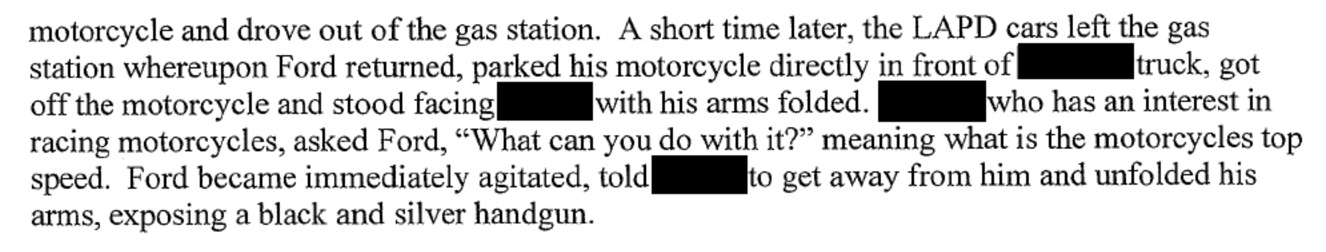
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 12, 2011, fatal shooting of Justin Ford, by Los Angeles County Sheriff's (LASD) Deputy Richard Rubalcaba. We have determined that Deputy Rubalcaba acted lawfully in self-defense and in defense of his partner Deputy James Boardman.

The following analysis is based upon reports submitted by LASD Homicide on June 20, 2011; and supplemental materials received on August 3, 2011. The District Attorney Command Center was notified of this shooting at 3:30 a.m., on March 12, 2011. The District Attorney Response Team (DART), consisting of Deputy District Attorney Shannon Presby and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a "walk-through" of the shooting scene. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

At approximately 2:00 a.m., on March 12, 2011, [redacted] a tow truck driver, was assisting a motorist at a Shell gas station located at 1150 E. Imperial Highway, in the City of Los Angeles. [redacted] saw a man on a racing style motorcycle, Justin Ford, pull into the gas station and stop his motorcycle behind [redacted] tow-truck. Moments later, several Los Angeles Police Department (LAPD) patrol cars pulled into the gas station. Ford immediately mounted his

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motorcycle and drove out of the gas station. A short time later, the LAPD cars left the gas station whereupon Ford returned, parked his motorcycle directly in front of [redacted] truck, got off the motorcycle and stood facing [redacted] with his arms folded. [redacted] who has an interest in racing motorcycles, asked Ford, "What can you do with it?" meaning what is the motorcycles top speed. Ford became immediately agitated, told [redacted] to get away from him and unfolded his arms, exposing a black and silver handgun.

[redacted] told Ford he "didn't want any trouble," moved away from Ford, entered his tow-truck and drove out of the gas station. [redacted] saw a California Highway Patrol (CHP) vehicle a short distance away, at the corner of El Segundo Boulevard and Central Avenue.[2] [redacted] contacted the CHP officers and described his encounter with Ford.[3]

At approximately 2:23 a.m., LASD Deputies Rubalcaba and Boardman stopped at the corner of El Segundo Boulevard and Central Avenue to ascertain if the CHP officers needed assistance. Rubalcaba and Boardman were riding in a marked LASD vehicle and were in full uniform. While the deputies were speaking with the CHP officers, Ford drove up on his motorcycle and stopped at the stoplight on Central Avenue approximately 12 feet from the police personnel. Realizing that Ford matched the description of the male with a firearm, [redacted] attempted to detain Ford by directing him to keep his hands on the motorcycle handlebars. Ford moved his right hand toward the small of his back whereupon the CHP Officers drew their duty weapons, pointed them at Ford and ordered him to turn off the motorcycle. Instead, Ford drove his motorcycle away from the police traveling south on Central Avenue.

The CHP officers told the deputies that Ford matched the description of a man who had brandished a firearm a few minutes earlier. Deputies Rubalcaba and Boardman as well as CHP Officers [redacted] and [redacted] pursued Ford. Both deputies and the CHP officers activated their lights and sirens in pursuit of Ford. Ford refused to yield and drove onto the 105 and 110 freeways reaching speeds in excess of 125 miles per hour. Both the CHP and the LASD units lost sight of Ford and eventually terminated their pursuit.

Approximately 10 minutes after the termination of the pursuit, LASD deputies regrouped at a gas station located at Central Avenue and El Segundo Boulevard. While the deputies were discussing the pursuit they obtained additional information concerning the initial confrontation between Ford and [redacted] including information that Ford had brandished a firearm. While the deputies were debriefing, Ford returned and stopped his motorcycle on Central Avenue. Rubalcaba recognized Ford, drew his weapon, walked toward Ford and ordered Ford to get off the motorcycle and to put his hands up. Ford ignored Rubalcaba's commands, shouted at the deputies that they needed to drive faster, and drove away.

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[2] CHP Officers [redacted] and [redacted] were responding to an unrelated call for service.

[3] During this time period the LAPD dispatched a "man with a gun" call from the location of the Shell station. Based on the reports submitted, it is unclear what the genesis of this call was.

The deputies gave chase, again activating their lights and sirens. The pursuit eventually led to west bound El Segundo Boulevard. Rubalcaba and Boardman saw Ford drive erratically traveling against traffic in the east bound lanes of El Segundo Boulevard, running a red light at El Segundo Boulevard and Broadway Street, and nearly colliding with a taxi.

Finally, near the intersection of El Segundo Boulevard and Figueroa Avenue, Ford came to a stop. The deputies stopped their car, got out, drew their weapons and pointed them at Ford. Ford got off his motorcycle faced the deputies and began walking backwards away from the deputies. The Deputies followed him on foot. Both Rubalcaba and Boardman repeatedly ordered Ford to stop and to put up his hands. Ford did not comply; instead he continued to back away from the deputies. As he was backing away Ford removed his gloves and his helmet, casting them to the ground.

Ford then stopped and reached to his right waist area producing a handgun. Fearing that Ford was going to shoot either him or his partner, Deputy Rubalcaba discharged his service weapon at Ford. Ford sustained ten bullet wounds and died at the scene.

A replica handgun was found near Ford's body. In addition, a suicide note was found in close proximity to his body. In the note the writer "Justin" states: "I've had enough" "If this is life, I want no more of it" "I've lost myself" "I'm tired of it all" "I'm done." He makes apologies to his family and references a video he left for them. A subsequent search disclosed a computer on which were saved several videos made by Ford. In those videos he outlines the problems with the world and discusses his emotional state. He states: "he doesn't want to live this life" "that this is not the way life should be" "I'm unhappy" "I've had enough" "life shouldn't be this way." Ford then states that he is going to put a battery in his bike, go for a ride and "see how reliable LAPD, Compton PD [and the] Sheriff's Department is." Given the incident that followed this seems to be an indication that Ford intended to end his life by causing a confrontation with the police.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he, or the person defended, was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal. 4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM 3470.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing

because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION

This is a tragic situation wherein an articulate young man, caused his own death at the hands of a Sheriff's deputy. Based on his suicide note and videos it is clear that Ford was emotionally distraught. It is also clear that he intended to end his life by causing a violent confrontation with police. Ford acted on this distress by confronting a stranger and brandishing a replica handgun. He then led the police on a high speed chase and, after initially eluding them, returned to the area where the pursuit began and enticed the police to pursue him again. At the termination of this second pursuit he repeatedly ignored their commands to surrender, instead producing an apparent handgun. Neither deputy had any way of knowing that the object Ford produced was a replica handgun as opposed to an actual handgun. Given everything that had transpired, Deputy Rubalcaba acted reasonably in using deadly force to end the grave threat he reasonably believed Ford posed.

We find that LASD Deputy Richard Rubalcaba acted lawfully in self-defense and in defense of Deputy Boardman. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

SHANNON PRESBY
Deputy District Attorney
(213) 974-3888

c: Deputy Richard Rubalcaba, Serial #[redacted]